

BEFORE THE CODE ENFORCEMENT BOARD IN AND FOR VENICE, FLORIDA

CITY OF VENICE,

Petitioner,

v.

CASE NO. 18-714

998 LAGUNA LLC

Respondent(s).
_____ /

NOTICE OF VIOLATION

1. A review of the City's database and an onsite inspection on **June 1st, 2018** by a Code Compliance Officer, of the property, **owned by 998 LAGUNA LLC**, located at **998 LAGUNA DR., VENICE, FLORIDA, 34285**, described and zoned as:

Parcel ID: 0175060033

Zoning: RSF3 (Residential, Single Family); MP (Marine Park)

resulted in finding **that the dock is being used by the boat rental business at the adjacent property at 996 Laguna Dr., owned by GULF VIEW MARINA HOLDINGS LLC.**

2. This is a direct violation of **Venice Code of Ordinances, Subpart B, Land Development Regulations, Chapter 86 – Land Development Code, Article V. – Use Regulations, Division 2. – Resource and Conservation Zoning Districts, Sec. 86-71, MP marine park district;** which states as follows:

Sec. 86-71. - MP marine park district.

- (a) *Generally; intent.*** Water orientation is of major importance to the city and its citizens. The economy of the city depends in considerable measure upon the water, and it is intended that the MP district be used for the purpose of protecting and preserving water areas within the jurisdiction of the city. All designated waters, including but not limited to all boat basins, bays, bayous, canals, lakes, rivers, streams, waterways and waters of the Gulf of Mexico and all publicly and privately owned submerged lands thereunder extending from the mean high-water line or bulkhead line are included in this district.
- (b) *Permitted principal uses and structures.*** Structures are not permitted uses in the MP district except as specified in this subsection. Permitted uses shall include water-oriented recreational uses, such as boating, swimming, fishing, diving, water skiing, surfboarding, wading and similar uses. Permitted structures are as follows:
- (1)** Piers and docks, accessory to residential uses.
 - (2)** Piers and docks accessory to marinas, boatyards or boat liverys where such activities are permitted uses on upland properties abutting an MP district, and subject to the regulations of this chapter relating to extensions of such structures below the mean high-water line.
- (c) *Permitted accessory uses and structures.*** Permitted accessory uses and structures in the MP district are: Uses (no structures) which are customarily incidental and subordinate to permitted uses.
- (d) *Prohibited uses and structures.*** Prohibited uses and structures in the MP district are as follows:
- (1)** Pain management clinic.

(e) **Special exceptions.** The following special exceptions are permissible in the MP district after public notice and hearing by the planning commission:

- (1) Structures and uses which relate directly and immediately to permitted uses in upland zoning classifications abutting an MP district.
- (2) Covered boat slips and wet storage of boats.
- (3) Marinas, boat liveryes and boatyards where boats or other floating structures are used as dwelling units. Such marinas, boat liveryes and boatyards shall provide minimum sanitary facilities on-shore to ensure compliance with all city, county and state requirements.

The uses permissible by special exception are subject to all regulations and permit procedures of all agencies having jurisdiction over city waters.

(f) **Maximum residential density.** Maximum number of dwelling units per acre in the MP district is: None.

(g) **Minimum lot requirements (area and width).** Minimum lot requirements in the MP district are: None.

(h) **Maximum lot coverage by all buildings.** Maximum lot coverage in the MP district is: None.

(i) **Minimum yard requirements.** Minimum yard requirements in the MP district are: None.

(j) **Maximum height of structures.** Maximum height of structures in the MP district is: 35 feet.

This is also a direct violation of **Venice Code of Ordinances, Subpart B, Land Development Regulations, Chapter 86 – Land Development Code, Article V. – Use Regulations, Division 3. – Residential Zoning Districts, Sec. 86-81, RSF residential single-family district;** which states as follows:

Sec. 86-81. – RSF residential, single-family district.

(a) **Generally; intent.** The RSF districts are intended to be single-family residential areas of low density. The nature of the use of property is the same in all districts. Variation among the RSF-1, RSF-2, RSF-3 and RSF-4 districts is in requirements for lot area, width and certain yards. Certain structures and uses designed to serve governmental, educational, religious, noncommercial recreational and other immediate needs of such areas are permitted or are permissible as special exceptions within such districts, subject to restrictions and requirements necessary to preserve and protect their single-family residential character.

(c) **Permitted accessory uses and structures.** Permitted accessory uses and structures in the RSF district are uses and structures which:

- (1) Are customarily accessory and clearly incidental and subordinate to permitted or permissible uses and structures.
- (2) Do not involve the conduct of business on the premises, provided that accessory home occupations shall be allowed.
- (3) Are located on the same lot as the permitted or permissible principal use or structure, or on a contiguous lot in the same ownership.
- (4) Are not of a nature likely to attract visitors in larger numbers than would normally be expected in a residential neighborhood.
- (5) Do not involve operations or structures not in keeping with the character of single-family, residential estate development.

Noncommercial plant nurseries and greenhouses, servants quarters, private garages, toolhouses and garden sheds, garden work centers, children's play areas and play equipment, private barbecue pits, private swimming pools, private docks and the like are permitted in these districts.

- 3.** You are hereby notified that **you must correct the violation by removing all boats docked at 998 Laguna Dr. associated with a commercial boat rental business.**
- 4.** You will be allowed **five (5) days** from your receipt of this Notice to correct this violation. **If the violation is not corrected within the time period specified in this Notice, a Notice of Hearing will be scheduled before the CODE ENFORCEMENT BOARD.**
- 5.** **Be advised that it is your responsibility to contact the Code Compliance Division to request an inspection to verify that the violation has been corrected.**

Dated this 6th Day of November, 2018


George Nixon

Certified Code Compliance Officer
Community Development Services
401 W. Venice Ave.
Venice, FL 34285
Phone: 941-882-7436
Email: gnixon@venicegov.com

If Hand Delivered:

Received By: _____ Date: _____

Hand Delivered/Posted: posted on property Date: 11/06/2018

Certified mail sent to:

Boone Law Firm
Attorney for: 998 Laguna LLC &
Gulf View Marina Holdings, LLC
1001 Ave. Del Circo
Venice, Fl. 34285

Registered Agent for 998 Laguna LLC
David A. Holmes ESQ
99 Nesbit St.
Punta Gorda, Fl., 33950

998 Laguna LLC
990 Laguna Dr.
Venice, FL., 34285